

1 BILL NO. S-89-11-35 (as amended)

2
3 SPECIAL ORDINANCE NO. S- 208-89.

4 AN ORDINANCE approving the
5 Settlement Agreement by and between
6 the cities of Fort Wayne and New
7 Haven concerning the annexation of
8 certain territories east of Fort
9 Wayne and West of New Haven.

10 WHEREAS, a dispute has existed between the City of Fort
11 Wayne and the City of New Haven since 1951 regarding the
12 annexation of certain territories east of Fort Wayne and west of
13 New Haven; and

14 WHEREAS, the Mayors of Fort Wayne and New Haven have
15 negotiated a settlement resolving that dispute; and

16 WHEREAS, approval of said Settlement Agreement is in
17 the best interests of both Fort Wayne and New Haven.

18 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
19 THE CITY OF FORT WAYNE, INDIANA:

20 SECTION 1. The Settlement Agreement, attached hereto,
21 made a part hereof and marked Exhibit "A," is hereby approved and
22 ratified.

23 SECTION 2. That the appropriate officers and
24 representatives of the City of Fort Wayne are authorized to
25 execute said Settlement Agreement on behalf of the City of Fort
26 Wayne.

27 SECTION 3. The Mayor and Corporation Counsel are
28 authorized to consent to minor modifications of the legal
29 descriptions and other provisions contained herein if necessary
30 to obtain court approval without further ratifications by
31 Council.

32 SECTION 4. That this Ordinance shall be in full force
and effect from and after its passage, and approval by the Mayor.

David C. Long
Councilmember

Read the first time in full and on motion by Long, seconded by Henry, and duly adopted, read the second time by title and referred to the Committee on Annexation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 11-28-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Long, seconded by Talarico, and duly adopted, placed on its passage. PASSED ~~Lost~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>			
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 12-12-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 1208-89 on the 12th day of December, 1989

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Charles S. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of December, 1989, at the hour of 11:20 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 18th day of December, 1989, at the hour of 8:00 o'clock A. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR



THE CITY OF FORT WAYNE

Dear Members of the Fort Wayne Common Council:

I am very pleased to be sending you an agreement which could lead to a final settlement of the 38-year-old "east end annexation" dispute. New Haven Mayor Lynn Shaw and I hope that you are as excited as we are to play a role in resolving this long-standing community controversy.

Enclosed are:

- 1) Settlement agreement and adopting resolution.
- 2) An ordinance to amend the legal description of the City of Fort Wayne's 1951 east end annexation ordinance to conform to the terms of the settlement agreement.
- 3) An ordinance to amend the legal description of the City of Fort Wayne's 1974 east end annexation ordinance to conform to the terms of the settlement agreement.

The settlement agreement defines the territories which both Fort Wayne and New Haven may now annex without opposition from the other city. These territories are within the boundary of the initial annexation proposals adopted by both cities in the past.

In addition, the City of New Haven has agreed to the designation of a "hands off" area. This means that New Haven will not object to any attempts by the City of Fort Wayne, within the next five years, to annex this area, nor will New Haven attempt to annex this "hands off" area within the next five years.

Similarly, Fort Wayne has agreed to the definition of a second "hands off" area, giving New Haven the first opportunity to annex there.

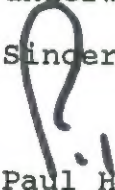
Letter of Transmittal
East End Annexation legislation
Page 2

The agreement also includes a provision calling for both Fort Wayne and New Haven to cooperate in an orderly transition of fire protection to the annexation areas. As part of this transition, the City of Fort Wayne is agreeing to employ three displaced employees of the Adams Township Fire Department.

This agreement was reached in a great spirit of cooperation. Since 1951, Fort Wayne and New Haven have been fighting each other over the right to annex the land which separates us. Now we have an opportunity to finalize an agreement which puts the past behind us and allows us to work together on a better future for both cities.

I would be glad to meet personally with any members of City Council to further discuss this agreement and the process now underway to finalize it.

Sincerely,



Paul Helmke
Mayor

SETTLEMENT AGREEMENT

STATE OF INDIANA)
) SS:
COUNTY OF NOBLE)
)
IN THE NOBLE CIRCUIT COURT
CAUSE NO. 24665

IN THE MATTER OF THE PETITION)
OF THE BOARD OF TRUSTEES OF)
THE TOWN (NOW CITY) OF NEW)
HAVEN FOR ANNEXATION OF)
TERRITORY)

STATE OF INDIANA)
) SS:
COUNTY OF WHITLEY)
)
IN THE WHITLEY CIRCUIT COURT
CAUSE NO. C-75-135

CITY OF FORT WAYNE, INDIANA,)
)
 Plaintiff)
)
VS.)
)
CITY OF NEW HAVEN, INDIANA,)
)
 Defendant)
)
VS.)
)
VARIOUS INDUSTRIES,)
)
 Remonstrators)

STIPULATIONS OF SETTLEMENT

Come now the City of New Haven, Indiana, by its attorneys of record, Fruechtenicht Law Office by A.W. Fruechtenicht, the City of Fort Wayne, Indiana, by its City Attorney, Timothy McCaulay, and stipulate for settlement purposes herein and request the court to order as follows:

1. The 1951 annexation by the then Town now City of New Haven, Indiana, is hereby declared and ordered to be effective as of the date hereof as to that territory included in said ordinance which is north of the North line of Section 16 in Adams Township and east of the East boundary of Meyer Road and Meyer Road extended north to the north line of the territory annexed by said ordinance (See attached map and legal description). The territory to be annexed will hereafter be referred to as the New Haven West annexation area.

2. The City of Fort Wayne, Indiana, agrees to and does hereby dismiss and terminate any and all litigation in relation to the New Haven West annexation area.

3. The City of New Haven, Indiana, does hereby agree not to annex territory that is included in the area to be annexed by the City of Fort Wayne referred to as the East End Annexation area (See attached East End Annexation map and legal description).

4. The City of New Haven does hereby agree not to object to annexation of the territory referred to as the East End annexation area and will cooperate in any approvals needed of it in order for the City of Fort Wayne, Indiana to annex the above mentioned territory.

5. The City of Fort Wayne does hereby agree not to object to annexation of the following territory by the City of New Haven and the City of Fort Wayne further agrees not to attempt annexation thereof for a period of five years:

A. The Northwest and Southwest Quarters of Section 14, all of Section 15, and the East Half of the Northeast and Southeast Quarters of Section 16, all in Adams Township.

B. Any area South of the Maumee River and in:

1. Adams Township East of Meyers Road and Meyers Road extended and North of Highway U.S. 24 & 30, except that Area which is already within the corporate limits of the City of Fort Wayne.

2. Milan Township or Jefferson Township.

6. The City of New Haven does hereby agree not to object to annexation of the following territory by the City of Fort Wayne and the City of New Haven further agrees not to attempt annexation thereof for a period of five years:

A. The West Half of the Northeast Quarter of Section 16 , the West Half of the Southeast Quarter of Section 16, the Southwest Quarter of Section 16, and the portions of the Northeast Quarter of Section 17 and the Southeast Quarter of Section 17 that are not included within the East End annexation area as herein described.

7. Any annexation petitions or ordinances previously adopted by either the City of New Haven or the City of Fort Wayne are hereby expressly amended to conform to the terms of this agreement.

8. All parties do hereby agree to terminate any and all litigation in conflict with the terms hereof now pending in relation to the New Haven West Annexation area and agree hereby that the New Haven West Annexation area described above shall be and become a part of the City of New Haven in accordance with this settlement agreement and order of Court.

9. The City of Fort Wayne will cooperate with the City of New Haven to assure that an orderly transition is made regarding fire protection to the annexation areas herein described and will coordinate the timing of the annexations to facilitate such transition. Fort Wayne will use its best efforts to complete the annexation of the East End Area by December 31, 1990. The City of Fort Wayne is prepared to enter into an interlocal agreement with Adams Township to provide fire protection services to the territory designated as the East End Area prior to the formal annexation of said area by the City of Fort Wayne for a contractual services fee not to exceed the annual tax revenue received by the township from said area for fire protection services.

10. The City of Fort Wayne and the City of New Haven do hereby agree to give priority for employment to any current Adams Township Fire Department employees displaced as a result of the annexations herein described. It is further understood and agreed that the City of Fort Wayne will offer employment to three such displaced fire department employees. Said offers of employment will be conditioned upon the employee's qualifications and ability to perform the job considered, bid, and applied for. In addition,

said displaced employees must apply for employment within six months of displacement. This agreement does not obligate the City of Fort Wayne to provide jobs with the Fort Wayne Fire Department.

11. The sewer and water contracts between the City of New Haven and the City of Fort Wayne have been amended and outlined in an interlocal government agreement dated December 5, 1989, which amendments are hereby approved.

12. The City of Fort Wayne agrees not to own, operate, manage or control any sewage sludge ponds, sewage sludge accumulation areas or any hazardous waste dumps within an area described as follows: the area bounded by Parent Road, and Parent Road extended both east and west, on the north, Webster Road on the east, Tillman Road on the south, and the current eastern boundaries of the City of Fort Wayne on the west. This prohibition does not apply to areas within the City limits of Fort Wayne as they existed at the time of execution of this agreement. In addition, this prohibition does not apply to any agreements between the City of Fort Wayne and property owners for the land application of used lime residuals from the City Utilities' Water Filtration Plant.

13. Nothing in this agreement shall prevent the City of Fort Wayne from providing economic development incentives to property owners subject to annexation by the City of Fort Wayne as a result of this agreement. However, the City of Fort Wayne agrees to use due diligence in utilizing any additional economic development tax abatement incentives adopted by the Indiana General Assembly after the date of this agreement so as not to unduly disrupt the fiscal soundness of other taxing authorities which receive revenues from properties located within the area covered by this agreement and subject to annexation by the City of Fort Wayne.

14. Both parties agree that the current boundaries of East Allen County Schools shall remain as now established and shall continue as such unless changed by mutual agreement between East Allen County Schools and the Fort Wayne Community Schools.

15. This agreement may be filed of record in any litigation relating to the annexation of the territory described herein regardless of the caption affixed hereto.

CITY OF NEW HAVEN

BY: _____
Lynn Shaw, Mayor

A. W. Fruechtenicht
Special Counsel to the
City of New Haven
321 Metro Building
Fort Wayne, Indiana 46802
219/422-8414

CITY OF FORT WAYNE

BY: _____
Paul Helmke, Mayor

J. Timothy McCaulay
Corporation Counsel
300 Metro Building
Fort Wayne, Indiana 46802
219/422-7422

LEGAL DESCRIPTION

NEW HAVEN WEST ANNEXATION AREA

Parts of Sections 9, 10 and 11 in Township 30 North, Range 13 East, in Allen County, Indiana, and being more particularly described as follows, to-wit:

Commencing at the center of Section 11, Township 30 North, Range 13 East; as defined by the intersection of the center lines of public highways known as Lincoln Highway West (U.S. 24), formerly known as New Haven Avenue, and Hartzell Road; thence North along the East line of the Northwest quarter of said Section, as defined by the center line of said Hartzell Road, to the North line of the right-of-way of the New York, Chicago & St. Louis Railroad, formerly known as the Nickel Plate, the Norfolk and Western and now known as the Norfolk and Southern Railroad; thence Northwestward along the North line of said railroad right-of-way to the East right-of-way line of the public street known as Estalla Avenue, formerly known as Stella Avenue; thence South along the said East right-of-way line of Estalla Avenue to the South line of said Railroad right-of-way; thence Westward on and along the South line of said railroad right-of-way to the East right-of-way line of a public highway known as Meyer Road; thence South along said East right-of-way line of Meyer Road to its intersection with the South line of the Southwest quarter of Section 9; thence East following the South lines of Sections 9, 10 and 11 to the South quarter corner of said Section 11; thence North on the East line of the Southwest quarter of said Section 11 to the Northwest corner of the Southwest quarter of the Southeast quarter of Section 11; thence East along the North line of the aforesaid tract to the Northeast corner thereof; thence North along the West line of the East half of the Southeast quarter of Section 11 to the North line of the South 45 acres of the tract aforesaid; thence East along the North line of the said South 45 acres of the East half of said Southeast quarter of said Section 11 to the East line of said Section 11; thence North on the line aforesaid to the East quarter corner of said Section 11; thence West along the center line of said Section as defined by the center line of the public highway known as Lincoln Highway East to the place of beginning at the center of said Section 11, in Township 30 North, Range 13 East; and containing 1,416 acres of land, more or less.

E. Alder
12/5/89

East End Annexation Legal Description

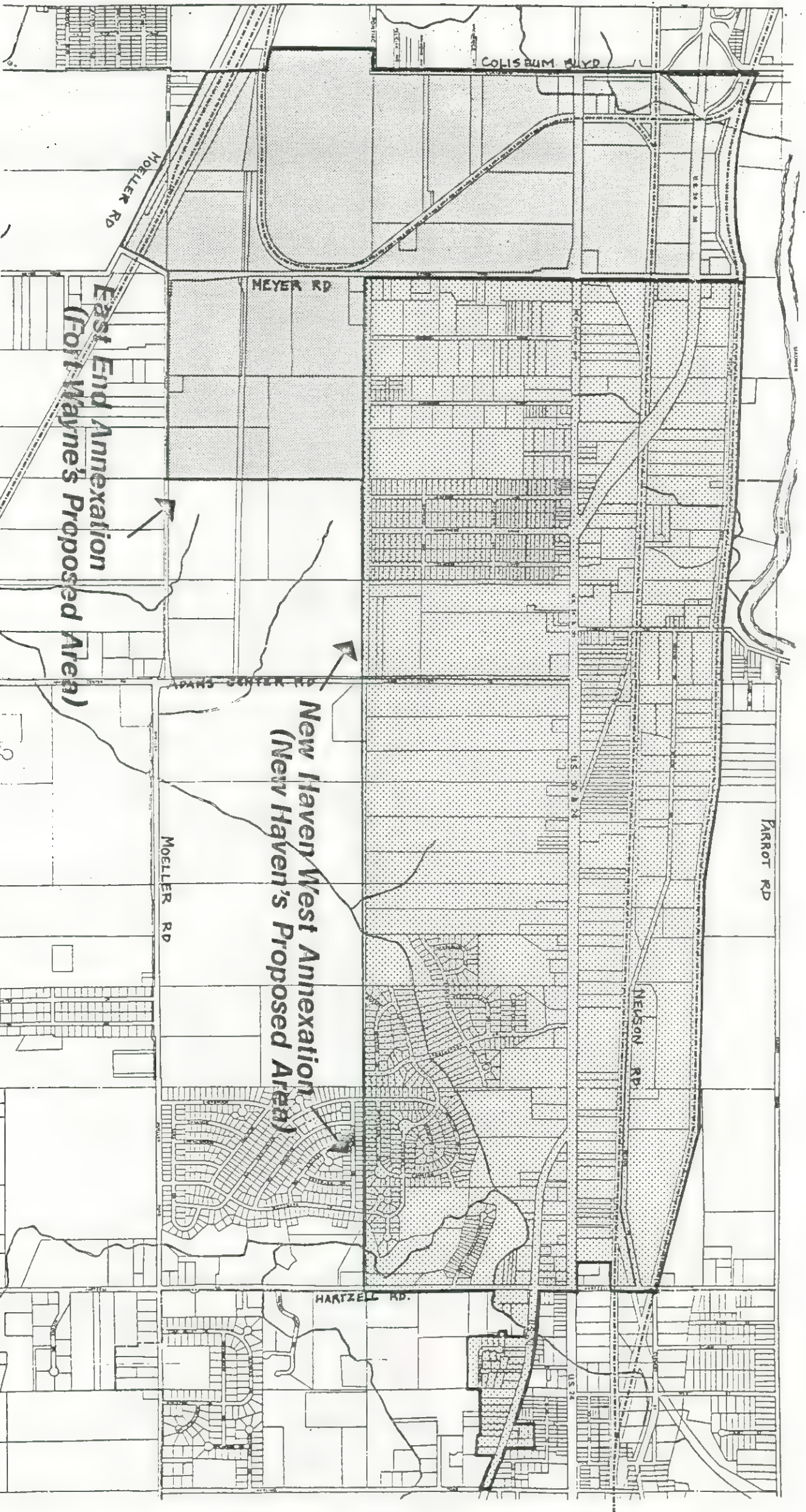
Part of Section 8, 9, 16, and 17, Township 30 North, Range 13 East, Allen County, Indiana to wit: Beginning at the intersection of the centerline of Coliseum Blvd. South with the north right-of way line of the Norfolk and Western Railway Co.; thence Easterly along said north right-of-way line also being the corporate limits to the east line of Section 8; thence South along the east line of Section 8 to the north right-of-way line of Old Lincoln Highway also known as Old Maumee Road; thence East along said north right-of-way line to the north prolongation of the east right-of-way line of Meyer Road; thence South along said prolongation and east right-of-way line of Meyer Road to the north line of the Northwest Quarter of Section 16, Township 30 North, Range 13 East; thence East along said north line to the east line of the Northwest Quarter of said Section 16; thence South along the east line of said Northwest Quarter to the north right-of-way line of Moeller Road; thence West along the said north right-of-way line and Westerly prolongation thereof to the west right-of-way line of Meyer Road; thence Southwest along the west right-of-way line of Meyer Road to the southerly right-of-way line of the Penn Central Railroad and the north right-of-way line of Moeller Road; thence Northwesterly and Westerly along the southerly right-of-way line of the Penn Central Railroad to the west line of the Northeast Quarter of Section 17, Township 30 North, Range 13 East also being the Corporate limit; thence North along said west line to the north right-of-way line of the Fort Wayne Union Railway Co.; thence North 74 degrees, 44 minutes, 14 seconds West along the north right-of-way line of the Fort Wayne Union Railway Co., a distance of 271.44 feet; thence North 00 degrees, 53 minutes, 37 seconds West a distance of 1,374 feet to the centerline of Pontiac Street; thence East along the said centerline to the centerline of Coliseum Blvd. South; thence North along said centerline to the point of beginning containing 628 acres more or less.

Certified correct this 20th day of November, 1989.

Mark L. Gensic

Mark L. Gensic, P.E., L.S.

Annexation Areas



SETTLEMENT AGREEMENT

STATE OF INDIANA)
) SS: IN THE NOBLE CIRCUIT COURT
COUNTY OF NOBLE) CAUSE NO. 24665

IN THE MATTER OF THE PETITION)
OF THE BOARD OF TRUSTEES OF)
THE TOWN (NOW CITY) OF NEW)
HAVEN FOR ANNEXATION OF)
TERRITORY)

STATE OF INDIANA)
) SS: IN THE WHITLEY CIRCUIT COURT
COUNTY OF WHITLEY) CAUSE NO. C-75-135

CITY OF FORT WAYNE, INDIANA,)
) Plaintiff
)
VS.)
)
CITY OF NEW HAVEN, INDIANA,)
) Defendant
)
VS.)
)
VARIOUS INDUSTRIES,)
) Remonstrators
)

STIPULATIONS OF SETTLEMENT

Come now the City of New Haven, Indiana, by its attorneys of record, Fruechtenicht Law Office by A.W. Fruechtenicht, the City of Fort Wayne, Indiana, by its City Attorney, Timothy McCaulay, and stipulate for settlement purposes herein and request the court to order as follows:

1. The 1951 annexation by the then Town now City of New Haven, Indiana, is hereby declared and ordered to be effective as of the date hereof as to that territory included in said ordinance which is north of the North line of Section 16 in Adams Township and east of the East boundary of Meyer Road and Meyer Road extended north to the north line of the territory annexed by said ordinance (See attached map and legal description). The territory to be annexed will hereafter be referred to as the New Haven West annexation area.

2. The City of Fort Wayne, Indiana, agrees to and does hereby dismiss and terminate any and all litigation in relation to the New Haven West annexation area.

3. The City of New Haven, Indiana, does hereby agree not to annex territory that is included in the area to be annexed by the City of Fort Wayne referred to as the East End Annexation area (See attached East End Annexation map and legal description).

4. The City of New Haven does hereby agree not to object to annexation of the territory referred to as the East End annexation area and will cooperate in any approvals needed of it in order for the City of Fort Wayne, Indiana to annex the above mentioned territory.

5. The City of Fort Wayne does hereby agree not to object to annexation of the following territory by the City of New Haven and the City of Fort Wayne further agrees not to attempt annexation thereof for a period of five years:

A. The Northwest and Southwest Quarters of Section 14, all of Section 15, and the East Half of the Northeast and Southeast Quarters of Section 16, all in Adams Township.

B. Any area South of the Maumee River and in:

1. Adams Township East of Meyers Road and Meyers Road extended and North of Highway U.S. 24 & 30, except that Area which is already within the corporate limits of the City of Fort Wayne.

2. Milan Township or Jefferson Township.

6. The City of New Haven does hereby agree not to object to annexation of the following territory by the City of Fort Wayne and the City of New Haven further agrees not to attempt annexation thereof for a period of five years:

A. The West Half of the Northeast Quarter of Section 16 , the West Half of the Southeast Quarter of Section 16, the Southwest Quarter of Section 16, and the portions of the Northeast Quarter of Section 17 and the Southeast Quarter of Section 17 that are not included within the East End annexation area as herein described.

7. Any annexation petitions or ordinances previously adopted by either the City of New Haven or the City of Fort Wayne are hereby expressly amended to conform to the terms of this agreement.

8. All parties do hereby agree to terminate any and all litigation in conflict with the terms hereof now pending in relation to the New Haven West Annexation area and agree hereby that the New Haven West Annexation area described above shall be and become a part of the City of New Haven in accordance with this settlement agreement and order of Court.

9. The City of Fort Wayne will cooperate with the City of New Haven to assure that an orderly transition is made regarding fire protection to the annexation areas herein described and will coordinate the timing of the annexations to facilitate such transition. Fort Wayne will use its best efforts to complete the annexation of the East End Area by December 31, 1990. The City of Fort Wayne is prepared to enter into an interlocal agreement with Adams Township to provide fire protection services to the territory designated as the East End Area prior to the formal annexation of said area by the City of Fort Wayne for a contractual services fee not to exceed the annual tax revenue received by the township from said area for fire protection services.

10. The City of Fort Wayne and the City of New Haven do hereby agree to give priority for employment to any current Adams Township Fire Department employees displaced as a result of the annexations herein described. It is further understood and agreed that the City of Fort Wayne will offer employment to three such displaced fire department employees. Said offers of employment will be conditioned upon the employee's qualifications and ability to perform the job considered, bid, and applied for. In addition,

said displaced employees must apply for employment within six months of displacement. This agreement does not obligate the City of Fort Wayne to provide jobs with the Fort Wayne Fire Department.

11. The sewer and water contracts between the City of New Haven and the City of Fort Wayne have been amended and outlined in an interlocal government agreement dated December 5, 1989, which amendments are hereby approved.

12. The City of Fort Wayne agrees not to own, operate, manage or control any sewage sludge ponds, sewage sludge accumulation areas or any hazardous waste dumps within an area described as follows: the area bounded by Parent Road, and Parent Road extended both east and west, on the north, Webster Road on the east, Tillman Road on the south, and the current eastern boundaries of the City of Fort Wayne on the west. This prohibition does not apply to areas within the City limits of Fort Wayne as they existed at the time of execution of this agreement. In addition, this prohibition does not apply to any agreements between the City of Fort Wayne and property owners for the land application of used lime residuals from the City Utilities' Water Filtration Plant.

13. Nothing in this agreement shall prevent the City of Fort Wayne from providing economic development incentives to property owners subject to annexation by the City of Fort Wayne as a result of this agreement. However, the City of Fort Wayne agrees to use due diligence in utilizing any additional economic development tax abatement incentives adopted by the Indiana General Assembly after the date of this agreement so as not to unduly disrupt the fiscal soundness of other taxing authorities which receive revenues from properties located within the area covered by this agreement and subject to annexation by the City of Fort Wayne.

14. Both parties agree that the current boundaries of East Allen County Schools shall remain as now established and shall continue as such unless changed by mutual agreement between East Allen County Schools and the Fort Wayne Community Schools.

15. This agreement may be filed of record in any litigation relating to the annexation of the territory described herein regardless of the caption affixed hereto.

CITY OF NEW HAVEN

BY: _____
Lynn Shaw, Mayor

A. W. Fruechtenicht
Special Counsel to the
City of New Haven
321 Metro Building
Fort Wayne, Indiana 46802
219/422-8414

CITY OF FORT WAYNE

BY: _____
Paul Helmke, Mayor

J. Timothy McCaulay
Corporation Counsel
300 Metro Building
Fort Wayne, Indiana 46802
219/422-7422

LEGAL DESCRIPTION

NEW HAVEN WEST ANNEXATION AREA

Parts of Sections 9, 10 and 11 in Township 30 North, Range 13 East, in Allen County, Indiana, and being more particularly described as follows, to-wit:

Commencing at the center of Section 11, Township 30 North, Range 13 East; as defined by the intersection of the center lines of public highways known as Lincoln Highway West (U.S. 24), formerly known as New Haven Avenue, and Hartzell Road; thence North along the East line of the Northwest quarter of said Section, as defined by the center line of said Hartzell Road, to the North line of the right-of-way of the New York, Chicago & St. Louis Railroad, formerly known as the Nickel Plate, the Norfolk and Western and now known as the Norfolk and Southern Railroad; thence Northwestward along the North line of said railroad right-of-way to the East right-of-way line of the public street known as Estalla Avenue, formerly known as Stella Avenue; thence South along the said East right-of-way line of Estalla Avenue to the South line of said Railroad right-of-way; thence Westward on and along the South line of said railroad right-of-way to the East right-of-way line of a public highway known as Meyer Road; thence South along said East right-of-way line of Meyer Road to its intersection with the South line of the Southwest quarter of Section 9; thence East following the South lines of Sections 9, 10 and 11 to the South quarter corner of said Section 11; thence North on the East line of the Southwest quarter of said Section 11 to the Northwest corner of the Southwest quarter of the Southeast quarter of Section 11; thence East along the North line of the aforesaid tract to the Northeast corner thereof; thence North along the West line of the East half of the Southeast quarter of Section 11 to the North line of the South 45 acres of the tract aforesaid; thence East along the North line of the said South 45 acres of the East half of said Southeast quarter of said Section 11 to the East line of said Section 11; thence North on the line aforesaid to the East quarter corner of said Section 11; thence West along the center line of said Section as defined by the center line of the public highway known as Lincoln Highway East to the place of beginning at the center of said Section 11, in Township 30 North, Range 13 East; and containing 1,416 acres of land, more or less.

E. Alder
12/5/89

East End Annexation Legal Description

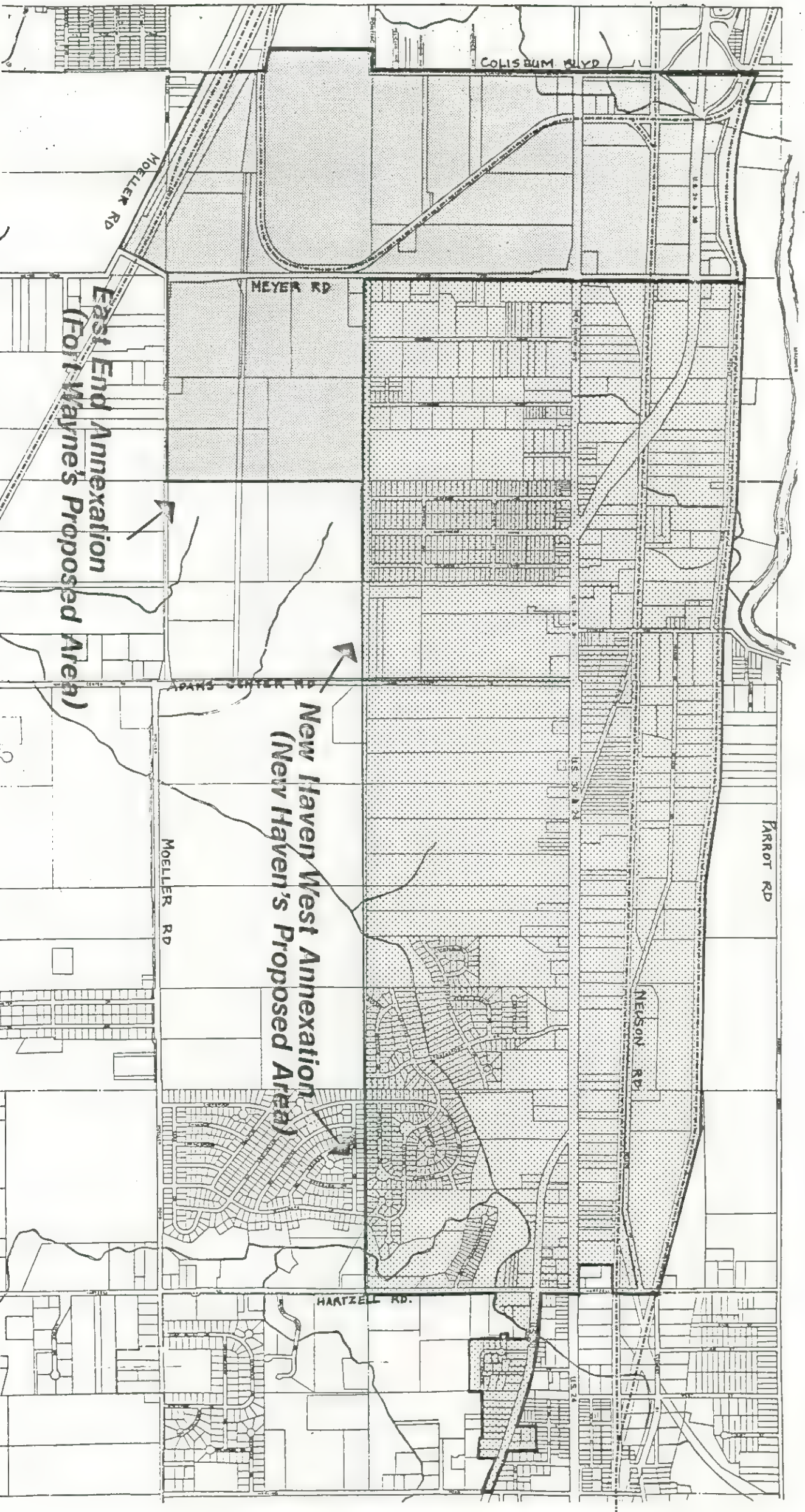
Part of Section 8, 9, 16, and 17, Township 30 North, Range 13 East, Allen County, Indiana to wit: Beginning at the intersection of the centerline of Coliseum Blvd. South with the north right-of way line of the Norfolk and Western Railway Co.; thence Easterly along said north right-of-way line also being the corporate limits to the east line of Section 8; thence South along the east line of Section 8 to the north right-of-way line of Old Lincoln Highway also known as Old Maumee Road; thence East along said north right-of-way line to the north prolongation of the east right-of-way line of Meyer Road; thence South along said prolongation and east right-of-way line of Meyer Road to the north line of the Northwest Quarter of Section 16, Township 30 North, Range 13 East; thence East along said north line to the east line of the Northwest Quarter of said Section 16; thence South along the east line of said Northwest Quarter to the north right-of-way line of Moeller Road; thence West along the said north right-of-way line and Westerly prolongation thereof to the west right-of-way line of Meyer Road; thence Southwest along the west right-of-way line of Meyer Road to the southerly right-of-way line of the Penn Central Railroad and the north right-of-way line of Moeller Road; thence Northwesterly and Westerly along the southerly right-of-way line of the Penn Central Railroad to the west line of the Northeast Quarter of Section 17, Township 30 North, Range 13 East also being the Corporate limit; thence North along said west line to the north right-of-way line of the Fort Wayne Union Railway Co.; thence North 74 degrees, 44 minutes, 14 seconds West along the north right-of-way line of the Fort Wayne Union Railway Co., a distance of 271.44 feet; thence North 00 degrees, 53 minutes, 37 seconds West a distance of 1,374 feet to the centerline of Pontiac Street; thence East along the said centerline to the centerline of Coliseum Blvd. South; thence North along said centerline to the point of beginning containing 628 acres more or less.

Certified correct this 20th day of November, 1989.

Mark L. Gensic

Mark L. Gensic, P.E., L.S.

Annexation Areas



BILL NO. S-89-11- 35

SPECIAL ORDINANCE NO. _____

AN ORDINANCE approving the Settlement Agreement by and between the cities of Fort Wayne and New Haven concerning the annexation of certain territories east of Fort Wayne and west of New Haven.

WHEREAS, a dispute has existed between the City of Fort Wayne and the City of New Haven since 1951 regarding the annexation of certain territories east of Fort Wayne and west of New Haven; and

WHEREAS, the Mayors of Fort Wayne and New Haven have negotiated a settlement resolving that dispute; and

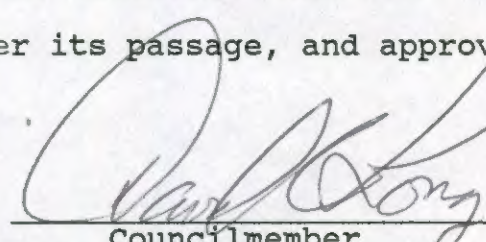
WHEREAS, approval of said Settlement Agreement is in the best interests of both Fort Wayne and New Haven.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

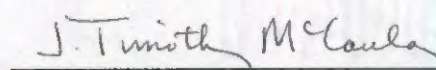
SECTION 1. The Settlement Agreement, attached hereto, made a part hereof and marked Exhibit "A," is hereby approved and ratified.

SECTION 2. That the appropriate officers and representatives of the City of Fort Wayne are authorized to execute said Settlement Agreement on behalf of the City of Fort Wayne.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

DIGEST SHEET

TITLE OF ORDINANCE SPECIAL ORDINANCE

S-84-11-35
(as amended)

DEPARTMENT REQUESTING ORDINANCE MAYOR'S OFFICE

SYNOPSIS OF ORDINANCE APPROVES SETTLEMENT AGREEMENT BETWEEN FORT WAYNE

AND NEW HAVEN REGARDING 1951 EAST END ANNEXATION DISPUTE

EFFECT OF PASSAGE SETTLEMENT AGREEMENT WILL GO INTO EFFECT IF ALSO

APPROVED BY NEW HAVEN COMMON COUNCIL

EFFECT OF NON-PASSAGE LITIGATION WILL REMAIN UNRESOLVED

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. S-89-11-35 (as amended)

REPORT OF THE COMMITTEE ON ANNEXATION

DAVID C. LONG, CHAIRMAN
JANET G. BRADBURY, VICE CHAIRPERSON
HENRY, BURNS, EDMONDS

WE, YOUR COMMITTEE ON ANNEXATION TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the
Settlement Agreement by and between the cities of Fort Wayne
and New Haven concerning the annexation of certain territories
east of Fort Wayne and west of New Haven

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<u>David C. Long</u>			
<u>Janet G. Bradbury</u>			
<u>Clatus R. Edmonds</u>			
<u>Henry Burns</u>			

DATED: 12-12-85

Sandra E. Kennedy
City Clerk

New Haven passes

The Mayor and Corporation Council are authorized
to consent to minor modifications of the legal
descriptions and other provision contained herein
if necessary to obtain Court approval, without
further ratification by Council,
only to those who are successors of original remonstrators